

Rep. Laura Cox Testimony on HB 5542 and HB 5544

Thank you Chairman Heise and committee members for the opportunity to speak on these important pieces of legislation regarding human trafficking.

In 2014, the Legislature passed a package of bills to address findings made by the Michigan Commission on Human Trafficking which was established by Attorney General Schuette and Chairman Heise. From that commission came legislation which allowed individuals, VICTIMS, of human trafficking to apply to the court to set aside prostitution related convictions of state law.

Today we are bringing to this committee a three bill package which addresses some of the Commission's recent findings and recommendations.

My bill, HB 5542, gives a voice and an opportunity to the VICTIMS of human trafficking to take back their lives. HB 5542 would amend *MCL 780.621*, Michigan's expungement law, by expanding the opportunities for victims of human trafficking to apply to the court for expungement of their prior convictions under *local ordinances* for prostitution related crimes. These VICTIMS are often treated as criminals, when in fact they are being exploited to commit crimes. This allows local ordinance convictions to be set aside by the judge's preponderance of the evidence that the offense occurred as a result of the defendant being a VICTIM of human trafficking.

It is a significant burden on both society and a convicted individual to prohibit the individual from erasing past mistakes in order to turn their life around. Some may say the system is just fine and not every crime should be expunged. The convicted face serious hurdles in securing

employment, school aid, housing and ultimately in leading a better life. Discussions about addressing these expungement concerns are valid and the Legislature should debate these issues. My legislation, HB 5542 aims to alleviate the burden on these VICTIMS of human trafficking by giving them a chance to remove these local ordinance convictions.

HB 5544, Representative Jenkins bill amends *MCL 750.451*, Michigan's penal code, by including municipal ordinance violations in the list of prostitution related crimes allowing a safe harbor rebuttable presumption which assumes that those under the age of 18 were forced or coerced into committing the sex crime. This bill also amends *MCL 750.462(f)(b)* by raising the penalty to 15 years and \$15,000 for the perpetrators of human trafficking who force VICTIMS to be humiliated and violated by forcing them to engage in criminal sex acts.

I would appreciate your support for these bills. And I will let Representative Howell discuss HB 5543.